IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.659 OF 2007

IN

EXECUTION APPLICATION NO.48 OF 2007

IN

SUMMARY SUIT NO.3139 OF 2004

Franco Indian Pharmaceuticals
Pvt.Ltd. ...Plaintiff

Versus

Ray Pharmaceuticals Ltd. & Ors. ...Defendants

And

Raghbir Singh Kohli ...Applicant

.....

Mr.R.B.Upadhyay for Applicant.

None for Plaintiff.

None for Defendants.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 27, 2007.

P.C.

1. None appears for the Defendants. No reply has been filed to oppose this Chamber Summons.

2. After going through the assertions made in the affidavit in support of the Chamber Summons and the supporting documents placed on record, there is no doubt that premises which have been attached under the orders of this Court being Room No.1, Building No.16, Wing ‘A’, Sahajeevan Sahakari Gruha Nirman Sanstha, PMGP Colony, Near Punjab & Maharashtra Co-operative Bank, Andheri (East), Mumbai - 400 093 is owned and possessed by the Applicant. Indeed, the Applicant is the father of one of the directors of the Defendant Company. That however cannot be the basis to proceed against the property of the Applicant.

3. As there is no reason to doubt the correctness of the claim of he Applicant, which is substantiated by documents, Chamber Summons is made absolute in terms of prayer clause (a) in the interest of justice.

4. Insofar as prayer clause (b) is concerned, the Applicant can take recourse to such other remedy as may be permissible by law.

A.M.KHANWILKAR, J.